

In the United States District Court  
for the Southern District of State

Lexy Avila,

Complainant,

First Amended  
Complaint

against,

19 CV 11920

NYC correctional officer  
Stacy Tenzie # 1478.

Jury Trial  
Demanded

In their individual capacities.

Plaintiff, Lexy Avila, Pro Se, for her Amended  
Complaint state as follows,

### Jurisdiction and venue

1. This action arises under and is brought pursuant to  
42 U.S.C. section 1983 to remedy the deprivation,  
under color of state law, of rights guaranteed by the  
Eighth and fourteenth amendments of the United  
States constitution.

2. venue properly lies in this District pursuant to 28 U.S.C. section 1391 (B) (2), because the events given rise to this action occurred at "Rikers Island Detention center's Rose M. Singer center, in Bronx NY, within the southern District of State

parties.

3. Plaintiff, Cery Avila #347180021 is and was at all times relevant hereto, A Transgendered detainee in the custody of the NYC Department of corrections, housed at Rose M. Singer center.

4. Defendant Stacy Tenzie #1478 is an correctional officer employed by the NYC Department of corrections and is assigned to Rikers Island Detention center at Rose M. Singer center on the 7Am-3pm shift.

Previous lawsuits or actions filed by  
Plaintiff.

5. Plaintiff has filed no previous actions with concern to the same facts alleged in this action.

### Exhaustion of Administrative Remedies

6. Allegations concerning staff complaints or sexual harassment are "not" grievable actions within the standards of the inmate grievance process.

### FACTS

7. on / or about November 21, 2019 at approximately 11:52 AM plaintiff Cery Avila "A transgendered inmate" was working alone in the intake pantry area of Rose M. Singer center. When corrections officer "Stacy Tenzie #1478" stood in the doorway of the pantry intentionally provoking the plaintiff by stating "is there a problem" plaintiff stated "no there is no problem" plaintiff was prevented from leaving the pantry area. Defendant stated "oh I was just making sure in a very condescending manner."

Plaintiff immediately went to mental Health and spoke with her counselor Jenny. plaintiff stated to Jenny that she was being harassed by this C.O. because of her being Transgendered.

⑧. on/or about november 25<sup>th</sup> 2019 at approximately 12:30pm plaintiff was walking to the inmate bathroom area in intake at Rose ~~me~~ Singer center. the inmate bathroom area is right next to the property room. as plaintiff was walking into the bathroom, plaintiff overheard the defendant stating "I wish these Transgendered bullshit artist's in this jail could just die" the defendant went onto state there are bullshit artist's and there even like that on the third and fourth floors. these statements were made in front of S.O. nichols the property clerk officer.

⑨. on november 26, 2019 at approximately 10:36 Am the correctional officer staff Tenzie #1478 came into the printer area of intake and stated to plaintiff if I catch you wearing sandals in here your going to be fired. plaintiff stated to defendant "why does allen" get to wear them" defendant stated "because Allen doesn't give me problems"

⑩. on december 2<sup>nd</sup> 2019 Defendant was assigned to unit 4 South control as the A post officer. the defendant had two separate conversations (1) with inmate clark who resides in 4 South B side. the initial conversation with inmate clark, defendant stated "Avila and Leonard" are probably having sex in intake. they both work there.

In the second conversation in front of inmate clark the defendant stated to c.o. mercer I am going to do everything in my power to get both Avila and Leonard fired from intake. The defendant was assigned to 4 South control which is also the same area of the transgendered housing unit. c.o. mercer stated that inmate Leonard and Avila dont need to be around one another they should all be seperated and thrown out of the building.

⑪ on march 29 2020 several months after this action was initiated I was informed by Kennedy Felder a suicide prevention Aide in building 12 of Rose M. Singer center that the defendant in this action was making threats against my life by stating "she knew real niggas in the street with guns that would handle me. This defendant is retaliating against me and causing psychic injury due to my filing this action.

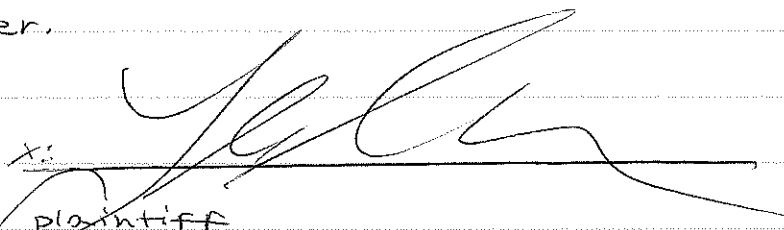
plaintiff has seen mental health on numerous occasions and is being harassed, bullied and targeted by the defendants.

Count one  
Breach of duty to protect

(12) Defendant, NYC correctional officer STACY TENZIE #1478 exercised deliberate indifference to plaintiff's health & safety in failing to protect plaintiff from attack by maliciously spreading rumors to both inmates and correctional officers in stating that plaintiff was engaged in sexual behavior with inmate Leonard. Several inmates confronted plaintiff from unit 4512 to inquire as to whether plaintiff had in fact had sex with Leonard.

The defendant's conduct of mental harm & the psychic injuries that the aforementioned defendant has induced, have resulted as part of such unnecessary, cruel, & outrageous conduct. The defendant's gratuitous disclosure and sexual harassment was not reasonably related to any legitimate penological interest.

Wherefore, Plaintiff prays for judgement in her favor against all Defendants in an amount sufficient to compensate her for the pain & mental anguish suffered by her due to the deliberate indifference & intentional misconduct of the aforementioned Defendant, but in no event less than \$300,000.00 together with her Attorneys fees & costs, and such additional relief as the court may deem just and proper.

  
X: \_\_\_\_\_  
Plaintiff

Lert Avila #347800221

19-19 Hazen Street

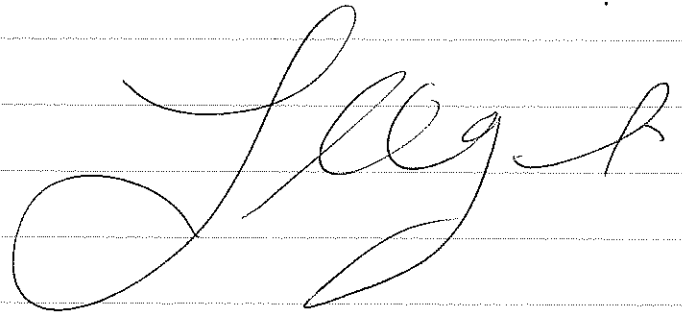
Flushing NY 11320

Hello~

19-cv-11920

I am enclosing this Amended complaint  
which is due by July 24<sup>th</sup> 2020  
please provide it into ECF.

Respectfully

A large, stylized handwritten signature in black ink, appearing to read "Alex Avila". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Alex Avila



Ext Avail

1919 Hazen Street

Fishing - NY 11320

USM<sup>OLD</sup>  
SDNY

United States District Court

Southern District

Attn: Pro-se Unit

40 Foley Square

NY NY 10007

RECEIVED  
JUL 16 2020  
PRO SE OFFICE

